

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2013-0207; Directorate Identifier 2011-NM-071-AD]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to supersede an existing airworthiness directive (AD) that applies to all The Boeing Company Model 737-300, -400, and -500 series airplanes. The existing AD currently requires repetitive inspections of the downstop assemblies on the main tracks of the No. 2, 3, 4, and No. 5 slats and the inboard track of the No. 1 and 6 slats to verify if any parts are missing, damaged, or in the wrong order; other specified actions; and related investigative and corrective actions if necessary. Since we issued that AD, the manufacturer has developed a modification, which, when installed, would terminate the repetitive inspections. This proposed AD would add an inspection of the slat can interior for foreign object debris (FOD), and removal of any FOD found; modification of the slat track hardware; an inspection for FOD and for damage to the interior surface of the slat cans; and related investigative and corrective actions, if necessary. We are proposing this AD to prevent loose or missing parts in the main slat track downstop assemblies, which could puncture the slat track housing and result in a fuel leak and consequent fire.

**DATES:** We must receive comments on this proposed AD by April 25, 2013.

**ADDRESSES:** You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; Internet <https://www.myboeingfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

#### Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, Washington 98057-3356; phone: (425) 917-6440; fax: (425) 917-6590; email: [nancy.marsh@faa.gov](mailto:nancy.marsh@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2013-0207; Directorate Identifier 2011-NM-071-AD" at the beginning of

your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

#### Discussion

On March 11, 2008, we issued AD 2008-06-29, Amendment 39-15441 (73 FR 15397, March 24, 2008), for all The Boeing Company Model 737-300, -400, and -500 series airplanes. That AD requires repetitive inspections of the downstop assemblies on the main tracks of the No. 2, 3, 4, and 5 slats and the inboard track of the No. 1 and 6 slats to verify if any parts are missing, damaged, or in the wrong order; and related investigative and corrective actions if necessary. That AD resulted from reports of fuel leaking from a puncture in the slat track housing. We issued that AD to detect and correct loose or missing parts in the main slat track downstop assemblies, which could puncture the slat track housing and result in a fuel leak and consequent fire.

#### Actions Since Existing AD (73 FR 15397, March 24, 2008) Was Issued

The preamble to AD 2008-06-29, Amendment 39-15441 (73 FR 15397, March 24, 2008), specifies that we consider the requirements "interim action" and that the manufacturer was developing a modification to address the unsafe condition. That AD explains that we might consider further rulemaking if a modification is developed, approved, and available. The manufacturer now has developed such a modification, and we have determined that further rulemaking is indeed necessary; this proposed AD follows from that determination.

#### Relevant Service Information

AD 2008-06-29, Amendment 39-15441 (73 FR 15397, March 24, 2008), refers to Boeing Alert Service Bulletin 737-57A1301, dated February 5, 2008, as the appropriate source of service information for the required actions.

Boeing has since revised this service information. We reviewed Boeing Service Bulletin 737-57A1301, Revision 3, dated August 11, 2011, which adds procedures for inspecting the slat can interior for foreign object debris (FOD), removing any FOD found, modifying the slat track hardware; an inspection for FOD and a one-time inspection for damage to the interior surface of the slat cans for the inboard and outboard tracks of slats No. 2 through 5 and the inboard slats of tracks No. 1 and 6; and related investigative and corrective actions if necessary. Modifying the slat track hardware eliminates the need for the repetitive inspections.

Related investigative actions include a determination of the wall thickness of

damaged slat cans, and an inspection for clearance between the bottom of the slat can and slat main track. Corrective actions include a blend-out repair or replacement of the slat can with a new or serviceable slat can, proper torque of nuts, and installation of a tapered filler.

**FAA’s Determination**

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

**Proposed AD Requirements**

This proposed AD would retain all requirements of AD 2008-06-29,

Amendment 39-15441 (73 FR 15397, March 24, 2008), and also would require the actions specified in the service information described previously.

**Change to Existing AD (73 FR 15397, March 24, 2008)**

This proposed AD would retain all requirements of AD 2008-06-29, Amendment 39-15441 (73 FR 15397, March 24, 2008). Since AD 2008-06-29 was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph identifiers have changed in this proposed AD, as listed in the following table:

**REVISED PARAGRAPH IDENTIFIERS**

Requirement in AD 2008-06-29, Amendment 39-15441 (73 FR 15397, March 24, 2008)	Corresponding requirement in this proposed AD
paragraph (d) paragraph (e) paragraph (f)	paragraph (e) paragraph (f) paragraph (g)

In addition, Boeing Commercial Airplanes has received an Organization Designation Authorization (ODA), which replaces the previous designation as a Delegation Option Authorization (DOA) holder. We have revised

paragraph (k) of this proposed AD to add delegation of authority to Boeing Commercial Airplanes ODA to approve an alternative method of compliance for certain repairs required by this proposed AD.

**Costs of Compliance**

We estimate that this proposed AD affects 568 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of slat track housing [retained actions from existing AD 2008-06-29, Amendment 39-15441, (73 FR 15397, March 24, 2008)].	4 work-hours × \$85 per hour = \$340 per inspection cycle.	\$0	\$340	\$193,120
One-time detailed inspection of slat can [new proposed action].	5 work-hours × \$85 per hour = \$85 .....	\$0	\$425	\$241,400
Installation of modification [new proposed action] ....	12 work-hours × \$85 per hour = \$1,020 .....	\$3,124	\$4,144	\$2,353,792

We have received no definitive data that would enable us to provide a cost estimate for the on-condition actions specified in this proposed AD.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, “General requirements.” Under that section, Congress charges the FAA with

promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or

on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

### The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

### PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2008–06–29, Amendment 39–15441 (73 FR 15397, March 24, 2008), and adding the following new AD:

**The Boeing Company:** Docket No. FAA–2013–0207; Directorate Identifier 2011–NM–071–AD.

#### (a) Comments Due Date

The FAA must receive comments on this AD action by April 25, 2013.

#### (b) Affected ADs

This AD supersedes AD 2008–06–29, Amendment 39–15441 (73 FR 15397, March 24, 2008).

#### (c) Applicability

This AD applies to all The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category.

#### (d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 57: Wings.

#### (e) Unsafe Condition

This AD was prompted by reports of fuel leaking from a puncture in the slat track housing (referred to as “slat can”). We are issuing this AD to prevent loose or missing parts in the main slat track downstop assemblies, which could puncture the slat track housing and result in a fuel leak and consequent fire.

#### (f) Compliance

Comply with this AD within the compliance times specified, unless already done.

#### (g) Retained Inspection of Downstop Assemblies and Corrective Action

This paragraph restates the requirements of paragraph (f) of AD 2008–06–29, Amendment 39–15441 (73 FR 15397, March 24, 2008), with revised service information. At the applicable times specified in Table 1 of paragraph 1.E. of Boeing Service Bulletin 737–57A1301, dated February 5, 2008; or Boeing Alert Service Bulletin 737–57A1301, Revision 3, dated August 11, 2011; except as provided by paragraph (g)(1) of this AD: Do

a detailed inspection or borescope inspection of the downstop assemblies on the main tracks of the No. 2, 3, 4, and 5 slats and the inboard track of the No. 1 and 6 slats to verify if any parts are missing, damaged, or installed in the wrong order; and do all the other specified, related investigative, and corrective actions as applicable; by accomplishing all of the applicable actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 737–57A1301, dated February 5, 2008; or Boeing Service Bulletin 737–57A1301, Revision 3, dated August 11, 2011; except as provided by paragraphs (g)(2) and (g)(3) of this AD. Repeat the inspection thereafter at the applicable times specified in Table 1 of paragraph 1.E. of Boeing Service Bulletin 737–57A1301, dated February 5, 2008; or Boeing Alert Service Bulletin 737–57A1301, Revision 3, dated August 11, 2011. Do all applicable related investigative and corrective actions before further flight. As of the effective date of this AD, only Boeing Service Bulletin 737–57A1301, Revision 3, dated August 11, 2011, may be used to accomplish the actions required by this paragraph.

(1) Where Boeing Alert Service Bulletin 737–57A1301, dated February 5, 2008, or Boeing Service Bulletin 737–57A1301, Revision 3, dated August 11, 2011, specifies counting the compliance time from “the date on the service bulletin,” this AD requires counting the compliance time from April 8, 2008 (the effective date of AD 2008–06–29, Amendment 39–15441 (73 FR 15397, March 24, 2008)).

(2) For airplanes on which any downstop assembly part is missing or damaged, a borescope inspection of the inside of the slat track housing for loose parts and damage to the wall of the slat track housing may be accomplished in lieu of the detailed inspection of the inside of the slat track housing that is specified in Boeing Alert Service Bulletin 737–57A1301, dated February 5, 2008; or Boeing Service Bulletin 737–57A1301, Revision 3, dated August 11, 2011. As of the effective date of this AD, only Boeing Service Bulletin 737–57A1301, Revision 3, dated August 11, 2011, may be used to do the actions specified in this paragraph.

(3) If any damaged slat track housing is found during any inspection required by paragraph (g) of this AD: Before further flight, repair in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–57A1301, Revision 3, dated August 11, 2011; replace the slat can with a new slat can having the same part number, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–57A1301, Revision 3, dated August 11, 2011; or repair the slat can using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

#### (h) New Detailed Inspection for Foreign Object Debris (FOD)

Within 24 months after the effective date of this AD, do a one-time detailed inspection of the slat can interior to detect FOD, in accordance with Part III of the

Accomplishment Instructions of Boeing Service Bulletin 737–57A1301, Revision 3, dated August 11, 2011. If any FOD is found, before further flight, remove it, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–57A1301, Revision 3, dated August 11, 2011.

#### (i) New Modification and Inspection

Within 72 months or 15,000 flight cycles, whichever occurs first, after the effective date of this AD: Modify the slat track hardware by installing new downstop assembly hardware, and do a detailed inspection for FOD and a one-time inspection for damage to the interior surface of the slat can for the inboard and outboard tracks of slats 2 through 5, and the inboard slats of tracks 1 and 6; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–57A1301, Revision 3, dated August 11, 2011. Do all applicable related investigative and corrective actions before further flight. Accomplishment of the actions required by this paragraph terminates the inspections required by paragraphs (g) and (h) of this AD.

#### (j) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraphs (g), (h), and (i) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–57A1301, Revision 1, dated September 24, 2009; or Boeing Alert Service Bulletin 737–57A1301, Revision 2, dated January 17, 2011; which are not incorporated by reference in this AD.

#### (k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: 9–ANM–Seattle–ACO–AMOC–Requests@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/ certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously in accordance with AD 2008–06–29, Amendment 39–15441 (73 FR 15397, March 24, 2008), are approved as AMOCs for the corresponding provisions of this AD.

**(I) Related Information**

(1) For more information about this AD, contact Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: (425) 917-6440; fax: (425) 917-6590; email: [nancy.marsh@faa.gov](mailto:nancy.marsh@faa.gov).

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H-65, Seattle, Washington 98124-2207; telephone 206-544-5000, extension 1; fax 206-766-5680; Internet <https://www.myboeingfleet.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on February 28, 2013.

**Ali Bahrami,**

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013-05505 Filed 3-8-13; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2013-0208; Directorate Identifier 2012-NM-204-AD]

RIN 2120-AA64

**Airworthiness Directives; Airbus Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Airbus Model A318, A319, A320, and A321 series airplanes. This proposed AD was prompted by a determination that certain maintenance activities, such as repairs or the accumulation of paint layers, might cause the weight of an elevator to exceed the certified limits. This proposed AD would require checking the weight of certain elevators, and corrective action if necessary; and re-identifying the elevators. We are proposing this AD to detect and correct elevators that exceed the certified weight limits, which could result in reduced control of the airplane.

**DATES:** We must receive comments on this proposed AD by April 25, 2013.

**ADDRESSES:** You may send comments by any of the following methods:

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** (202) 493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.

- **Hand Delivery:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); Internet <http://www.airbus.com>. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

**Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov>; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Sanjay Ralhan, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone (425) 227-1405; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:****Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2013-0208; Directorate Identifier 2012-NM-204-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the

closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

**Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012-0221, dated October 23, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

It has been identified that maintenance activities, such as repairs or the accumulation of paint layers, may cause the weight of an elevator to exceed the certified limits.

This condition, if not detected and corrected, could result in reduced control of the aeroplane.

For the reasons described above, this [EASA] AD requires a onetime weight check of both left-hand (LH) and right-hand (RH) elevators, accomplishment of corrective actions, as applicable, depending on findings, and re-identification of the elevators.

The monitoring of elevator weight evolution after having complied with this [EASA] AD is ensured by Airbus A318/A319/A320/A321 ALS Part 2 CDCCL (Critical Design Configuration Control Limitations), compliance with which is currently required by EASA AD 2010-0071R1 [which corresponds to FAA AD 2011-14-06, Amendment 39-16741 (76 FR 42024, July 18, 2011)].

Corrective action includes removing the paint from the elevator surface and repainting, or replacing the elevator with a serviceable elevator if the weight estimate is over the certified weight limit; and repairing the elevator. You may obtain further information by examining the MCAI in the AD docket.

**Relevant Service Information**

Airbus has issued Service Bulletin A320-55-1034, including Appendices 1 and 2, dated August 19, 2011; and Service Bulletin A320-55-1042, Revision 01, dated June 29, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

**FAA’s Determination and Requirements of This Proposed AD**

This product has been approved by the aviation authority of another